

**THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS**

IRON MOUNTAIN INCORPORATED;)	
et al.)	
)	
Plaintiffs and,)	
Counter-Defendants,)	
)	Civil Action No. 05-10890-RCL
vs.)	
)	
THOMAS CARR,)	
)	
Defendant and)	
Counter-Plaintiff.)	
)	
IRON MOUNTAIN INFORMATION)	
MANAGEMENT, INC.,)	
)	
Plaintiff,)	
)	Civil Action No. 05-10999-RCL
vs.)	
)	
SYSTRANS FREIGHT SYSTEMS, INC.,)	
)	
Defendant.)	
)	

**DEFENDANT AND COUNTER-PLAINTIFF
THOMAS CARR'S PRETRIAL DISCLOSURES**

Defendant and Counter-Plaintiff Thomas Carr ("Carr"), by and through undersigned counsel and pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure and Local Rule 16.5, hereby provides the following disclosures preliminary to the pretrial conference. These disclosures are made without waiving any rights and/or objections as to competency, relevancy, materiality, privilege, confidentiality and/or admissibility as evidence in this or any related proceeding.

I. Rule 26(a)(3)(A) Disclosures

A. Witnesses Expected To Be Presented

Carr identifies the following names, and if not previously provided in the Initial Disclosures or otherwise, the address and phone number of each witness, whom Carr expects to present at trial:

1. James Neebling
2. Arthur Peslak
3. Judith Carr
4. Paul Schwartz
5. Thomas Carr
6. C. Richard Reese
7. John F. Kenny, Jr.
8. Gary Watzke
9. Larry L. Varn
10. Charles G. Moore
11. John Hayden
Last known address:
Iron Mountain, Inc.
745 Atlantic Ave
Boston, MA 02111
12. Vincent Ryan
Schooner Capital, LLC
45 Atlantic Avenue, 11th Floor
Boston, MA 02111
(617) 357-9031
13. Deb Matthews
Controller of Accounting
Sullivan & Worcester LLP
One Post Office Square
Boston, MA 02109
(617) 338-2994

Carr reserves the right to call as a witness any person designated by the Plaintiffs in their respective pretrial disclosures.

B. Witnesses To Be Presented If The Need Arises

Carr identifies the following names, and if not previously provided in the Initial Disclosures or otherwise, the address and phone number of each witness, whom Carr may call if the need arises:

1. Michael Chazen
2. Vincent Brana
3. Tammy Phillips-Kahn
4. Arturo Soto
5. Samuel Miller, Esq.
6. Bob Miller

II. Rule 26(a)(3)(B) Disclosure

Carr identifies the following designation of those witnesses whose testimony is expected to be presented by means of a deposition:

1. Thomas Carr

III. Rule 26(a)(3)(C) Disclosure

A. Documents Expected To Be Presented

Carr intends to present the following documents or other exhibits, including summaries of other evidence, at trial:

1. Correspondence between Arthur Peslak and Richard Reese, including but not limited to, the following:
 - letter from Peslak to Reese dated February 13, 2004
2. Billing records of Arthur M. Peslak on the Carr matters addressing Pierce and Iron Mountain

B. Documents To Be Presented If The Need Arises

Carr may present the following documents or other exhibits, including summaries of other evidence, if the need arises at trial:

1. Correspondence and communications between the parties
2. Correspondence and communications between the parties and third-parties concerning matters pertaining to this action
3. Correspondence between Counter-Defendant Larry Varn and James Neebling including, but not limited to, the following:
 - email dated January 20, 2003
 - email dated March 4, 2003
 - email dated March 10, 2003
 - email dated March 31, 2003
 - email dated April 2, 2003
 - emails dated April 14, 2003
 - email dated May 4, 2003
 - email dated May 19, 2003
 - email dated June 10, 2003
 - emails dated June 20, 2003
 - emails dated June 24, 2003
 - emails dated June 26, 2003
 - email dated June 30, 2003
 - emails dated July 1, 2003
 - emails dated July 2, 2003
 - email dated July 9, 2003
 - emails dated July 11, 2003
 - emails dated July 25, 2003
 - emails dated July 29, 2003
 - email dated August 14, 2003
 - email dated September 8, 2003
 - email dated September 10, 2003
 - emails dated September 25, 2003
 - email dated November 2, 2003
 - email dated November 14, 2003
 - email dated November 2, 2004
 - email dated March 4, 2005
 - email dated March 5, 2005
 - email dated March 6, 2005
4. Documents concerning the parties' promises and oral agreements

5. Documents concerning Carr's fulfillment of his obligations under the parties agreement
6. Documents concerning Peter Pierce and Logisteq, LLC
7. Documents related to Iron Mountain's legal action against Pierce including pleadings, drafts of pleadings, and depositions, including but not limited to the following:
 - deposition of John F. Kenny in Iron Mountain v. Pierce, American Arbitration Association, No. 4 160 00671 02
 - deposition of C. Richard Reese in Iron Mountain v. Pierce, American Arbitration Association, No. 4 160 00671 02
8. Documents concerning Systrans, Inc., including but not limited to the following:
 - Systrans Freight Systems, Inc. Business Relationship Review: Iron Mountain
 - Systrans Proposal for Iron Mountain, August 2002
 - email from James Neebling to Bob Miller dated May 6, 2005 regarding various debts owed by Systrans
 - email from James Neebling to Bob Miller dated May 5, 2005 regarding the Systrans Program
9. Documents relating to Paul Schwartz
10. Documents related to legal actions involving Iron Mountain, IMIM and Peter Pierce
11. Documents related to legal actions involving Carr and Peter Pierce, including but not limited to the following:
 - Carr's complaint against Pierce, drafted by Iron Mountain counsel
12. Tape recordings or summaries of tape records made by Carr

Dated March 11, 2008.

Respectfully submitted,

/s/ Read K. McCaffrey
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Counsel for Defendant and
Counter-Plaintiff

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 11, 2008.

/s/ Read K. McCaffrey